



Rep. Kenneth Dunkin

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09800HB2668ham002

LRB098 10464 CEL 44514 a

1 AMENDMENT TO HOUSE BILL 2668

2 AMENDMENT NO. _____. Amend House Bill 2668, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 5

6 Section 5-1. Short title. This Act may be cited as the
7 Industrial Hemp Research Act.

8 Section 5-5. Definitions. For the purposes of this Act:

9 "Department" means the Department of Agriculture.

10 "Industrial hemp" means any variety of Cannabis sativa L.
11 with a delta-9 tetrahydrocannabinol (THC) concentration that
12 does not exceed 0.3% on a dry weight basis and that is grown in
13 compliance with federal and State licensing conditions.

14 Section 5-10. Industrial hemp study. Public universities

1 in the State are authorized to study the feasibility and
2 desirability of industrial hemp production in this State. This
3 authority expires on January 1, 2019 and is subject to renewal.
4 Any study shall include an analysis of required soils and
5 growing conditions, seed availability and varieties, including
6 in-the-ground seed variety trials, harvest methods, market
7 economies, and environmental benefits. Research shall include
8 finding high producing, high quality varieties with a zero
9 percent level of THC. In addition, research shall address the
10 potential impact of commercial production of industrial hemp on
11 law enforcement, including, but not limited to, the impact on
12 the State's crime laboratory system. Any public university in
13 the State shall obtain all federal and State permits needed to
14 legally grow industrial hemp for fiber or seed production prior
15 to importing any non-sterilized industrial hemp seeds capable
16 of germination into the State. All research conducted in this
17 Section is subject to the availability of funding, which shall
18 be sought by institutions performing the research from federal,
19 private, corporate, and other sources other than the State of
20 Illinois. Any university conducting the research shall report
21 its research, progress, and any findings and recommendations to
22 the General Assembly by January 1, 2017.

23 ARTICLE 10

24 Section 10-5. The Cannabis Control Act is amended by

1 changing Section 3 as follows:

2 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

3 Sec. 3. As used in this Act, unless the context otherwise
4 requires:

5 (a) "Cannabis" includes marihuana, hashish and other
6 substances which are identified as including any parts of the
7 plant Cannabis Sativa, whether growing or not; the seeds
8 thereof, the resin extracted from any part of such plant; and
9 any compound, manufacture, salt, derivative, mixture, or
10 preparation of such plant, its seeds, or resin, including
11 tetrahydrocannabinol (THC) and all other cannabinol
12 derivatives, including its naturally occurring or
13 synthetically produced ingredients, whether produced directly
14 or indirectly by extraction, or independently by means of
15 chemical synthesis or by a combination of extraction and
16 chemical synthesis; but shall not include the mature stalks of
17 such plant, fiber produced from such stalks, oil or cake made
18 from the seeds of such plant, any other compound, manufacture,
19 salt, derivative, mixture, or preparation of such mature stalks
20 (except the resin extracted therefrom), fiber, oil or cake, ~~or~~
21 the sterilized seed of such plant which is incapable of
22 germination, or industrial hemp solely as authorized for the
23 purposes of the Industrial Hemp Research Act.

24 (b) "Casual delivery" means the delivery of not more than
25 10 grams of any substance containing cannabis without

1 consideration.

2 (c) "Department" means the Illinois Department of Human
3 Services (as successor to the Department of Alcoholism and
4 Substance Abuse) or its successor agency.

5 (d) "Deliver" or "delivery" means the actual, constructive
6 or attempted transfer of possession of cannabis, with or
7 without consideration, whether or not there is an agency
8 relationship.

9 (e) "Department of State Police" means the Department of
10 State Police of the State of Illinois or its successor agency.

11 (f) "Director" means the Director of the Department of
12 State Police or his designated agent.

13 (g) "Local authorities" means a duly organized State,
14 county, or municipal peace unit or police force.

15 (h) "Manufacture" means the production, preparation,
16 propagation, compounding, conversion or processing of
17 cannabis, either directly or indirectly, by extraction from
18 substances of natural origin, or independently by means of
19 chemical synthesis, or by a combination of extraction and
20 chemical synthesis, and includes any packaging or repackaging
21 of cannabis or labeling of its container, except that this term
22 does not include the preparation, compounding, packaging, or
23 labeling of cannabis as an incident to lawful research,
24 teaching, or chemical analysis and not for sale.

25 (i) "Person" means any individual, corporation, government
26 or governmental subdivision or agency, business trust, estate,

1 trust, partnership or association, or any other entity.

2 (j) "Produce" or "production" means planting, cultivating,
3 tending or harvesting.

4 (k) "State" includes the State of Illinois and any state,
5 district, commonwealth, territory, insular possession thereof,
6 and any area subject to the legal authority of the United
7 States of America.

8 (l) "Subsequent offense" means an offense under this Act,
9 the offender of which, prior to his conviction of the offense,
10 has at any time been convicted under this Act or under any laws
11 of the United States or of any state relating to cannabis, or
12 any controlled substance as defined in the Illinois Controlled
13 Substances Act.

14 (Source: P.A. 89-507, eff. 7-1-97.)

15 Section 10-10. The Cannabis and Controlled Substances Tort
16 Claims Act is amended by changing Section 3 as follows:

17 (740 ILCS 20/3) (from Ch. 70, par. 903)

18 Sec. 3. Definitions. As used in this Act, unless the
19 context otherwise requires:

20 "Cannabis" includes marihuana, hashish, and other
21 substances that are identified as including any parts of the
22 plant Cannabis Sativa, whether growing or not, the seeds of
23 that plant, the resin extracted from any part of that plant,
24 and any compound, manufacture, salt, derivative, mixture, or

1 preparation of that plant, its seeds, or resin, including
2 tetrahydrocannabinol (THC) and all other cannabinol
3 derivatives, including its naturally occurring or
4 synthetically produced ingredients, whether produced directly
5 or indirectly by extraction, independently by means of chemical
6 synthesis, or by a combination of extraction and chemical
7 synthesis. "Cannabis" does not include the mature stalks of
8 that plant, fiber produced from those stalks, oil or cake made
9 from the seeds of that plant, any other compound, manufacture,
10 salt, derivative, mixture, or preparation of mature stalks
11 (except the extracted resin), fiber, oil or cake, ~~or~~ the
12 sterilized seeds of that plant that are incapable of
13 germination, or industrial hemp solely as authorized for the
14 purposes of the Industrial Hemp Research Act.

15 "Controlled substance" means a drug, substance, or
16 immediate precursor in the Schedules of Article II of the
17 Illinois Controlled Substances Act.

18 "Counterfeit substance" means a controlled substance or
19 the container or labeling of a controlled substance that,
20 without authorization, bears the trademark, trade name, or
21 other identifying mark, imprint, number, device, or any
22 likeness thereof of a manufacturer, distributor, or dispenser
23 other than the person who in fact manufactured, distributed, or
24 dispensed the substance.

25 "Deliver" or "delivery" means the actual, constructive, or
26 attempted transfer of possession of a controlled substance or

1 cannabis, with or without consideration, whether or not there
2 is an agency relationship.

3 "Manufacture" means the production, preparation,
4 propagation, compounding, conversion, or processing of a
5 controlled substance, either directly or indirectly, by
6 extraction from substances of natural origin, independently by
7 means of chemical synthesis, or by a combination of extraction
8 and chemical synthesis, and includes any packaging or
9 repackaging of the substance or labeling of its container,
10 except that the term does not include:

11 (1) by an ultimate user, the preparation or compounding
12 of a controlled substance for his own use;

13 (2) by a practitioner or his authorized agent under his
14 supervision, the preparation, compounding, packaging, or
15 labeling of a controlled substance:

16 (A) as an incident to his administering or
17 dispensing of a controlled substance in the course of
18 his professional practice; or

19 (B) as an incident to lawful research, teaching or
20 chemical analysis and not for sale; or

21 (3) the preparation, compounding, packaging, or
22 labeling of cannabis as an incident to lawful research,
23 teaching, or chemical analysis and not for sale.

24 "Owner" means a person who has possession of or any
25 interest whatsoever in the property involved.

26 "Person" means an individual, a corporation, a government,

1 a governmental subdivision or agency, a business trust, an
2 estate, a trust, a partnership or association, or any other
3 entity.

4 "Production" means planting, cultivating, tending, or
5 harvesting.

6 "Property" means real property, including things growing
7 on, affixed to, and found in land, and tangible or intangible
8 personal property, including rights, services, privileges,
9 interests, claims, and securities.

10 (Source: P.A. 96-328, eff. 8-11-09.)".